

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

COMDATA NETWORK, INC.                     )  
   )       No. 3-05-0130  
v.   )  
   )  
IMAGE TRANSPORTATION                     )  
SERVICES, INC., and JAMES MUHE         )

MEMORANDUM

Pending before the Court is the plaintiff's motion for entry of final judgment against defendant Image Transportation Services, Inc. (Docket Entry No. 35). The defendants have responded in opposition (Docket Entry No. 41) because American Contractors Indemnity Company has paid the plaintiff \$175,000.00 of the claim and therefore they contend that the judgment against defendant Image Transportation Services, Inc. should be commensurately reduced. The defendants raise the same argument in their motion to alter or amend (Docket Entry No. 38), which has been, by contemporaneously entered order, denied.

Therefore, the Court finds that there is no just reason for delay and it is appropriate to enter final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

An appropriate order will enter.

  
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JULIET GRIFFIN  
United States Magistrate Judge